

UNITED STATES DISTRICT COURT FOR THE  
DISTRICT OF PUERTO RICO

BRENDA LUGO-CARABALLO,

Plaintiff,

v.

ANGEL TORRES-MALDONADO, ET AL,

Defendants.

CIV. NO. 10-1332 (PG)

ORDER

On April 22, 2010, plaintiff filed the above-captioned complaint. Federal Rule of Civil Procedure 4(b) states that "upon or after filing the complaint, the plaintiff may present a summons to the clerk for signature and seal. If the summons is in proper form, the clerk shall sign, seal, and issue it to the plaintiff for service on the defendant." FED.R.CIV.P. 4(b). Once the summons are properly issued, Rule 4(m) states that service of the summons and complaint shall be made upon a defendant within 120 days after the filing of the complaint. See FED.R.CIV.P. 4(m). Otherwise, the Court shall dismiss the action without prejudice as to that defendant or direct that service be effected within a specified time. Id.

In the case at hand, the plaintiff has failed to provide the summons to the clerk for the latter's signature and seal. In addition, after reviewing this case's record, this Court finds that service of summons in the case at hand was due on or before August 20th, 2010. As a result, over five (5) months have elapsed since the case was filed and plaintiff has yet to move her case forward. In light of plaintiff's failure to comply with this deadline and pursuant to our authority to do so, the Court hereby **DISMISSES WITHOUT PREJUDICE** the plaintiff's claim. Judgment dismissing this case without prejudice shall be entered forthwith.

Civ. No. 10-1332 (PG)

Page 2

**SO ORDERED.**

In San Juan, Puerto Rico, September 28, 2010

S/ JUAN M. PÉREZ-GIMÉNEZ  
JUAN M. PÉREZ-GIMÉNEZ  
UNITED STATES DISTRICT JUDGE